

# REAL ESTATE APPRAISER BOARD

## MINUTES OF MEETING

May 6, 2009

The Real Estate Appraiser Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Diane Quigley, Chair  
Douglas Mullins, Jr.  
Sandra Johnson  
Richard Pruitt  
Pat Turner, Jr.  
H. Glenn James  
Ryan A. Myers (arrived at 10:25 a.m.)  
Betsy Critzer  
Harry Lewis, Jr.

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director  
Mark Courtney, Deputy Director  
Christine Martine, Executive Director  
Nick Christner, Deputy Director of Compliance  
and Investigations  
Kevin Hoeft, Board Administrator  
Earlyne Perkins, Legal Analyst  
Emily Trent, Administrative Assistant

Elizabeth Peay from the Attorney General's office was present.

Chair Diane Quigley called the meeting to order at 10:00 AM.

### **Call to Order**

A motion was made by Mr. Turner and seconded by Mr. Lewis to approve the agenda. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, James, Johnson, Mullins, Pruitt, Quigley and Turner.

### **Approval of Agenda**

A motion was made by Mr. Lewis and seconded by Mr. Turner to approve the following minutes: February 24, 2009, Board Meeting;

### **Approval of Minutes**

February 25, 2009, Informal Fact-Finding Conference; and March 11, 2009, Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Critzer, Lewis, James, Johnson, Mullins, Pruitt, Quigley and Turner.

Jayne Allen addressed the Board concerning unlicensed individuals performing appraisals and the investigation process. No action was taken by the Board.

**Public Comment**

In the matter of **File Number 2008-01464, Charles W. Pinkard, III**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Derrick E. Rosser, attorney for the respondent, and Charles W. Pinkard, III, respondent, were present and addressed the Board. A motion was made by Ms. Quigley and seconded by Mr. Lewis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close Count 1 with a finding of no violation of 18 VAC 130-20-180.D of the Board’s 2003 Regulations. The motion passed unanimously. Members voting “Yes” were Critzer, Lewis, James, Johnson, Mullins, and Quigley.

**File Number 2008-01464,  
Charles W. Pinkard, III**

A motion was made by Ms. Quigley and seconded by Mr. Lewis to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead close Count 2 with a finding of no violation of 18 VAC 130-20-180.E of the Board’s 2003 Regulations. The Board stated that the neighborhood analysis of Fannie Mae is a guideline and USPAP does not require use of the Fannie Mae guidelines. The motion passed unanimously. Members voting “Yes” were Critzer, Lewis, James, Johnson, Mullins, and Quigley.

As the Board members who reviewed the file, Mr. Turner and Mr. Pruitt did not participate in the discussion or vote on this matter.

Ryan Myers arrived at 10:25 A.M.

**Arrival of Board Member**

In the matter of **File Number 2009-00764, Stephen E. Barish**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Derrick E. Rosser, attorney for the respondent, and Stephen E. Barish, respondent, were present and addressed the Board. A motion was made by Ms. Quigley and

**File Number 2009-00764,  
Stephen E. Barish**

seconded by Mr. Lewis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close Count 1 with a finding of no violation of 18 VAC 130-20-180.D of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, James, Johnson, Mullins, Myers and Quigley.

A motion was made by Ms. Quigley and seconded by Mr. Lewis to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead close Count 2 with a finding of no violation of 18 VAC 130-20-180.E of the Board's 2003 Regulations. The Board stated that the neighborhood analysis of Fannie Mae is a guideline and USPAP does not require use of the Fannie Mae guidelines. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, James, Johnson, Mullins, Myers, and Quigley.

As the Board members who reviewed the file, Mr. Turner and Mr. Pruitt did not participate in the discussion or vote on this matter.

In the matter of **File Number 2009-01059, Thorbjorn R. Larsen, II**, the Board reviewed the Consent Order as seen and agreed to by Mr. Larsen. A motion was made by Mr. Turner and seconded by Mr. Lewis to reject the proposed Consent Order. The motion passed by majority vote. Members voting "Yes" were Critzer, Lewis, James, Johnson, Mullins, Myers, Quigley and Turner. Member voting "No" was Pruitt.

**File Number 2009-01059,**  
**Thorbjorn R. Larsen, II**

A motion was made by Mr. Turner and seconded by Mr. Lewis to extend a counter-offer to Mr. Larsen wherein Mr. Larsen admits to a violation of 18 VAC 130-20-180.K.1 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.K.1 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.H.1 (Count 3) of the Board's 2003, and agrees to a monetary penalty of \$1,300.00 for the violation contained in Count 1, \$1,300.00 for the violation contained in Count 2, \$1,300.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$4,050.00. In addition, for the violation of Count 1, Larsen agrees to complete a fifteen (15) hour USPAP course. The USPAP course shall not be completed on-line. Larsen agrees to provide the Board with proof of attendance and successful completion within six (6) months of the effective date of the Order. Furthermore, for violation of Count 1,

Larsen is required to complete an upper level Residential Appraisal Course. Such course shall be offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of 30 classroom hours and shall not be completed on-line. Upon successful completion of the course, Larsen shall provide the Board with proof of passing the exam within six (6) months of the execution of the Order. It is acknowledged that satisfactory completion of the above-referenced courses will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement or license upgrade. If Mr. Larsen does not accept the counter-offer within 10 days, the case will proceed to an Informal Fact-Finding Conference. The motion passed by majority vote. Members voting "Yes" were Critzer, Lewis, James, Mullins, Quigley and Turner. Members voting "No" were Myers, Johnson and Pruitt.

In the matter of **File Number 2007-04038, Vicki N. Minor**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. A motion was made by Ms. Quigley and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 1), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, Johnson, Mullins, Myers, James, Pruitt, Quigley and Turner. A motion was made by Ms. Quigley and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 2), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, Johnson, Mullins, Myers, James, Pruitt, Quigley and Turner. A motion was made by Mr. Turner and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 3), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, Johnson, Mullins, Myers, James, Pruitt, Quigley and Turner. A motion was made by Mr. Turner and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 4), of the Board's 2003 Regulations. The motion passed

**File Number 2007-04038,**  
**Vicki N. Minor**

unanimously. Members voting "Yes" were Critzer, Lewis, Johnson, Mullins, Myers, James, Pruitt, Quigley and Turner. A motion was made by Ms. Johnson and seconded by Mr. Turner to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.E (Count 5), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, Johnson, Mullins, Myers, James, Pruitt, Quigley and Turner.

A motion was made by Mr. Turner and seconded by Ms. Critzer to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3, \$500.00 for the violation contained in Count 4, and \$500.00 for the violation contained in Count 5, for a total of \$2,500.00. The Board also imposes the following sanctions: Suspension of license for a period of six (6) months for the violation of Counts 1 through 5. In addition, probation of license until Minor presents acceptable evidence to the Board that she has successfully completed an upper level Residential Appraisal Course. Such course shall be offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of thirty (30) classroom hours and shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license, reinstatement, or to upgrade a license. The Board voted to impose the sanction of license suspension due to the serious nature of the violations. The motion passed majority vote. Members voting "Yes" were Critzer, Lewis, Johnson, Myers, James, Pruitt, Quigley and Turner. Member voting "No" was Mullins.

In the matter of **File Number 2007-04875, Vicki N. Minor**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. A motion was made by Ms. Quigley and seconded by Mr. Mullins to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 1), of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 2), of the Board's 2003 Regulations, a violation of 18 VAC

**File Number 2007-04875,**  
**Vicki N. Minor**

130-20-180.D (Count 3), of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 4), of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.E (Count 5), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, Johnson, Mullins, Myers, James, Pruitt, Quigley and Turner

A motion was made by Ms. Quigley and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3, \$500.00 for the violation contained in Count 4, and \$500.00 for the violation contained in Count 5, for a total of \$2,500.00. The Board also imposes the following sanctions: Suspension of license for a period of two (2) years and until Minor presents evidence acceptable to the Board that she has successfully completed an upper level Residential Appraisal Course. Such course shall be offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of thirty (30) classroom hours and shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license, reinstatement, or to upgrade a license. The motion passed majority vote. Members voting "Yes" were Critzer, Lewis, Johnson, Myers, James, Pruitt, Quigley and Turner. Member voting "No" was Mullins.

In the matter of **File Number 2008-00408, Stephen M. Smith**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Stephen M. Smith, respondent, was present and addressed the Board. A motion was made by Mr. Turner and seconded by Mr. Mullins to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find (2 violations) of 18 VAC 130-20-180.D (Count 1), of the Board's 2003 Regulations, (2 violations) of 18 VAC 130-20-180.E (Count 2), of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.E (Count 3), of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 4), of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.K.1 (Count 5), of

**File Number 2008-00408,**  
**Stephen M. Smith**

the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.B.1.a (Count 6), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, Johnson, Mullins, Myers, James, Pruitt, Quigley and Turner.

A motion was made by Mr. Turner to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference, with the addition of license suspension, having no second the motion failed. A motion was made by Mr. Myers and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$250.00 for each violation contained in Count 1, \$500.00 for each violation contained in Count 2, \$250.00 for the violation contained in Count 3, \$250.00 for the violation contained in Count 4, \$500.00 for the violation contained in Count 5, and \$500.00 for the violation contained in Count 6, for a total of \$3,000.00. The Board also imposes the following sanctions: probation of license until Smith presents acceptable evidence to the Board that he has successfully completed an upper level Residential Appraisal Course. Such course shall be offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of thirty (30) classroom hours and shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license, reinstatement, or to upgrade a license. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, Johnson, Mullins, Myers, James, Pruitt, Quigley and Turner.

In the matter of **File Number 2008-04030, Daniel Doss**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Daniel Doss, respondent, was present and addressed the Board. A motion was made by Mr. Mullins and seconded by Mr. Lewis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.E (Count 1), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, Johnson, Mullins, Myers, James, and Quigley.

**File Number 2008-04030,**  
**Daniel Doss**

A motion was made by Mr. Mullins and seconded by Mr. Lewis to

reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, for a total of \$1,000.00. The Board also imposes the following sanctions: probation of license until Doss presents acceptable evidence to the Board that he has attended and successfully completed a 15 hour USPAP course within six (6) months of the effective date of the Order. The USPAP course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced USPAP course will not count towards any continuing education requirements for renewal of license, reinstatement, or to upgrade a license. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, Johnson, Mullins, Myers, James, and Quigley.

As the Board members who reviewed the file, Mr. Turner and Mr. Pruitt did not participate in the discussion or vote on this matter.

Ms. Quigley turned the position of Chair over to Mr. Lewis.

**Transfer of Chair**

In the matter of **File Number 2009-00068, April Ann Taylor**, the Board reviewed the Consent Order as seen and agreed to by Ms. Taylor. April Ann Taylor, respondent, was present and addressed the Board. The matter was remanded to an Informal Fact-Finding Conference as Ms. Taylor no longer agreed to the Consent Order terms. No action was taken by the Board.

**File Number 2009-00068,**  
**April Ann Taylor**

As the Board members who reviewed the file, Mr. Turner and Ms. Quigley did not participate in the discussion on this matter.

The Board recessed from 12:00 P.M. to 12:15 P.M.

**Break**

In the matter of **File Number 2008-00394, James S. Morris, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Morris. A motion was made by Mr. Mullins and seconded by Mr. Pruitt to accept the proposed Consent Order wherein Mr. Morris admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$150.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$300.00. In addition, for the violation of Count 1, Morris agrees to complete a fifteen (15) hour USPAP course. The USPAP course shall not be completed on-line. Morris agrees to provide the Board with proof of attendance and successful

**File Number 2008-00394,**  
**James S. Morris, Jr.**

completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced USPAP course will not count towards any continuing education requirements for renewal of license.

As the Board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote on this matter.

In the matter of **File Number 2008-04079, John A. Ruff**, the Board reviewed the Consent Order as seen and agreed to by Mr. Ruff. A motion was made by Mr. Turner and seconded by Mr. Mullins to accept the proposed Consent Order wherein Mr. Ruff admits to a violation of 18 VAC 130-20-180.B.1.a (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$150.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$300.00. In addition, the Board shall waive imposition of the \$150.00 monetary penalty for the Count 1 and the \$150.00 Board costs provided Ruff reports his current mailing and/or physical address to the Board, in writing, within fourteen (14) days of the effective date of the Order. If Ruff fails to comply with this condition, then the full monetary penalty and board costs will be automatically imposed. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, Pruitt, Mullins, Johnson, James and Turner.

**File Number 2008-04079,**  
**John A. Ruff**

As the Board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote on this matter.

Ms. Quigley returned and assumed the position of Chair.

**Transfer of Chair**

In the matter of **File Number 2009-01683, Jamison D. Reichard**, the Board reviewed the Consent Order as seen and agreed to by Mr. Reichard. A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the proposed Consent Order wherein Mr. Reichard admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.E (Count 4) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3, and \$500.00

**File Number 2009-01683,**  
**Jamison D. Reichard**

for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$2,150.00. In addition, for the violations of Counts 1–4, Reichard is required to take an upper level Residential Appraisal Course pertaining to the “Income Approach”. Such course shall be offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of fifteen (15) classroom hours and shall not be completed on-line. Upon successful completion of the course, Reichard shall provide the Board with proof of passing the exam within six (6) months of the execution of the Order. It is acknowledged that satisfactory completion of the above-referenced “Income Approach” course will not count towards any pre-license education requirements needed for license renewal, reinstatement, or license upgrade. The motion passed unanimously. Members voting “Yes” were Lewis, Myers, Critzer, Mullins, Johnson, Pruitt, Quigley and Turner.

As the Board member who reviewed the file, Mr. James did not participate in the discussion or vote on this matter.

In the matter of **File Number 2009-00983, Jan Abbott**, the Board reviewed the Consent Order as seen and agreed to by Ms. Abbott. Jan Abbott, respondent, was present and addressed the Board. A motion was made by Mr. Mullins and seconded by Mr. Pruitt to accept the proposed Consent Order wherein Ms. Abbott admits to a violation admits to a violation of 18 VAC 130-20-180.K.1 (Count 1) of the Board’s 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board’s 2003 Regulations, a violation of 18 VAC 130-20-180.E (Count 3) of the Board’s 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 4) of the Board’s 2003 Regulations, and a violation of 18 VAC 130-20-180.D (Count 5) of the Board’s 2003 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, \$250.00 for the violation contained in Count 4, and \$250.00 for the violation contained in Count 5, as well as \$150.00 in Board costs for a total of \$2,650.00. In addition, Abbott agrees to complete a fifteen (15) hour USPAP course. The USPAP course shall not be completed on-line. Abbott agrees to provide the Board with proof of attendance and successful completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced USPAP course will not count towards any continuing education requirements for renewal of license. The

**File Number 2009-00983,**  
**Jan Abbott**

motion passed unanimously. Members voting “Yes” were Lewis, Myers, Critzer, Mullins, Johnson, Pruitt, Quigley and Turner.

As the Board member who reviewed the file, Mr. James did not participate in the discussion or vote on this matter.

In the matter of **File Number 2008-04894, Sandra S. Luffsey**, the Board reviewed the Consent Order as seen and agreed to by Ms. Luffsey. A motion was made by Ms. Critzer and seconded by Mr. Mullins to accept the proposed Consent Order wherein Ms. Luffsey admits to a violation of 18 VAC 130-20-180.E (Count 1) of the Board’s 2008 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,150.00. In addition, Luffsey is required to take an upper level Residential Appraisal Course. Such course shall be offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of fifteen (15) classroom hours and shall not be completed on-line. Upon successful completion of the course, Luffsey shall provide the Board with proof of passing the exam within 180 days of the execution of the Order. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting “Yes” were Lewis, Myers, Critzer, Mullins, Johnson, James, Quigley and Turner.

**File Number 2008-04894,**  
**Sandra S. Luffsey**

As the Board member who reviewed the file, Mr. Pruitt did not participate in the discussion or vote on this matter.

Jenny Tidwell, Appraisal Policy Manager, for the Appraisal Subcommittee, gave a Field Review Report to the Board. No action was taken by the Board.

**Appraisal Subcommittee**  
**Field Review Report**

Board members Glenn James, Pat Turner, Richard Pruitt, Betsy Critzer and Sandra Johnson volunteered to serve on the Regulatory Review Committee. No action was taken by the Board.

**New Business**

A motion was made by Mr. Mullins and seconded by Ms. Quigley to acknowledge the hard work by the DPOR staff and their contributions toward a favorable ASC Field Review Report. The motion passed unanimously. Members voting “Yes” were Lewis, Myers, Critzer, Mullins, Johnson, James, Quigley and Turner.

There being no further business, the meeting adjourned at 1:10 P.M.

**Adjourn**

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Diane Quigley, Chair

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Jay W. DeBoer, Secretary

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